

REMARKS

Thorough examination of the application is sincerely appreciated.

Claim 30 is rejected under 35 U.S.C. §112, first paragraph supposedly for failing to comply with the enablement requirement due to the term "concatenating the swapped sub-blocks". The rejection is respectfully traversed. However, in the interest of advancing this case to allowance, claim 30 has been amended to delete the allegedly non-enabling language. It is believed that claim 30 now fully complies with 35 U.S.C. 112, and withdrawal of the rejection is requested.

Claims 23-35 and 38-40 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to the term "substantially" alleged to be a relative term to which one of ordinary skill in art would not be reasonably appraised of the scope of the invention. The Final Office Action goes on to interpret the term "substantially having equal length" as encompassing "having any length". This rejection is respectfully traversed and the characterization of the term is respectfully refuted.

The Examiner is requested to review Applicant's specification on page 5, line 25 through page 6, line 11 with reference to Figure 4 for the use of the term "substantially". It is submitted that the term as used therein -- pertaining to input and output blocks -- is not indefinite to one skilled in the art from the technical perspective. With respect to the legal aspect of the term "substantially", the Examiner is invited to refer to the following discussion.

The MPEP under § 2173.05(b) in a section entitled "Relative Terminology" makes clear that (emphasis provided) "[t]he fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph. Seattle Box Co., v. Industrial Crating & Packing, Inc., 731 F.2d 818, 221 USPQ 568

(Fed. Cir. 1984). Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification." The MPEP in § 2173.05(b) addresses specifically the term "substantially" wherein it is recognized that:

D. "Substantially"

The term "substantially" is often used in conjunction with another term to describe a particular characteristic of the claimed invention. It is a broad term. In re Nehrenberg, 280 F.2d 161, 126 USPQ 383 (CCPA 1960). The court held that the limitation "to substantially increase the efficiency of the compound as a copper extractant" was definite in view of the general guidelines contained in the specification. In re Mattison, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). The court held that the limitation "which produces substantially equal E and H plane illumination patterns" was definite because one of ordinary skill in the art would know what was meant by "substantially equal." Andrew Corp. v. Gabriel Electronics, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988).

It is respectfully submitted that the term "substantially ... equal" is recognized by the Federal Circuit and the United States Patent and Trademark Office as definite because one of ordinary skill in the art would know what was meant by "substantially ... equal". Therefore it is respectfully submitted that this term satisfies 35 U.S.C. §112, second paragraph. Accordingly, it is respectfully requested that the 35 U.S.C. §112, second paragraph rejection of Claims 23-35 and 38-40 be withdrawn.

If the Examiner disagrees and maintains the above rejections, he is respectfully requested to provide 1) a personal affidavit or skilled artisan's affidavit stating the term "substantially" as used in Applicant's specification and taken in context is vague and indefinite; and 2) case law and/or statutory authority clearly refuting the above pronouncements by the Federal Circuit and the USPTO.

Claims 36-40 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter to which applicant

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regards as the invention. The Final Office Action goes on to allege that since the "words 'input' and 'processing' should have 'means' ... as required by 35 U.S.C. 112, sixth paragraph." The Final Office Action further interprets "input for obtaining" and "cryptographic processing portion" respectively as "input means for obtaining" and "cryptographic processing means for processing". In response, claims 36 and 37 have been amended to recite "means" according to the Final Office Action. It is believed that these claims, as well as dependent claims 38-40 being rejected merely by virtue of their dependency, are now in full compliance with 35 U.S.C. 112. Withdrawal of the rejections is respectfully requested.

It is believed that all formal matters have been addressed per Quayle action. Since the prosecution on the merits is closed, the case is ready to be passed to allowance, and an early notice thereof is earnestly solicited.

However, should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues remain.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

By 
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